

BILL NO. G-74-04-17

GENERAL ORDINANCE NO. G-09-74

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley in the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on March 26, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the Office of the Recorder of Allen County, Indiana

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.


Councilman

APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 4-9-74

Charles M. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 4-22-74

Charles M. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 2-09-74 on the 23rd day of April, 1974.

ATTEST: (SEAL)

Charles M. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of April, 1974, at the hour of 11:00 o'clock A M., E.S.T.

Charles M. Westerman
CITY CLERK

Approved and signed by me this 24th day of April, 1974, at the hour of 11:45 o'clock A M., E.S.T.

James H. Branniff
MAYOR

Bill No. G-74-04-17

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation
of a certain alley in the City of Fort Wayne

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols
Vivian G. Schmidt
William T. Hinga
Paul M. Burns
D. Schmidt

CONCURRED IN

DATE 4-23-74



THE CITY OF FORT WAYNE

office of city plan commission

March 26, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

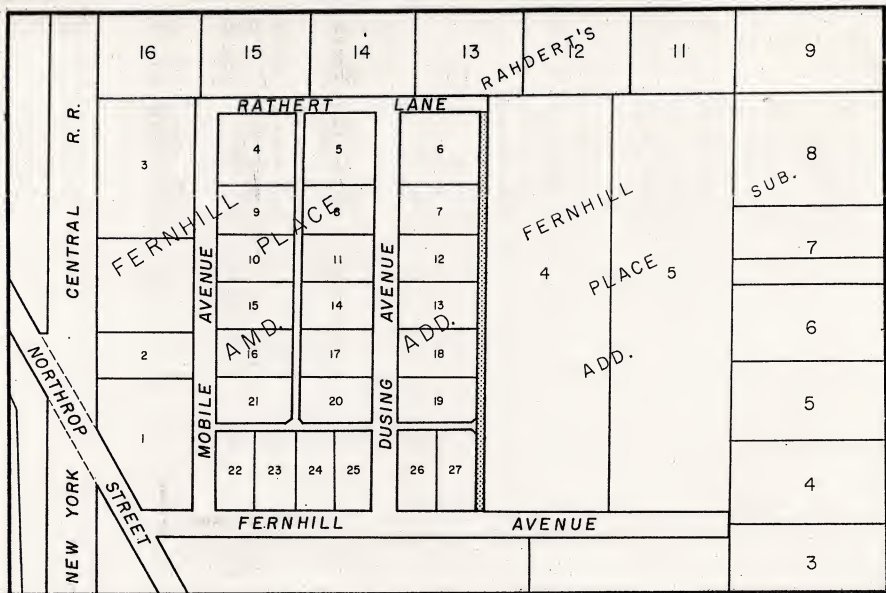
which was approved by the City Plan Commission at its regular meeting held March 25, 1974.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of March, 1974.

George H. Roser
Secretary



ALLEY TO BE VACATED

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE THE CITY PLAN COMMISSION
OF THE CITY OF FORT WAYNE,
INDIANA and THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE,
INDIANA

PETITION TO VACATE ALLEY

Comes now LAKE COUNTY TRUST COMPANY, not individually but as Trustee under a Trust Agreement dated December 16, 1968, and known as Trust No. 1471, by Landau, Heyman & Clay, Inc., its authorized agent, and hereby petitions the City Plan Commission of the City of Fort Wayne and the Common Council of the City of Fort Wayne, Indiana, for the vacation of that certain public alley located in the City of Fort Wayne, Allen County, Indiana, and described as follows:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

In support of its petition, Petitioner represents as follows:

1. That your petitioner is the fee simple owner of Lot No. 4 in Fernhill Place Addition, according to the plat thereof recorded in Plat Record 6, page 30, in the office of the Recorder of Allen County, Indiana.
2. That your petitioner is the owner of Lots No. 6, 7, 12 and 13 in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.
3. That Harry Papier, Agnes Papier and Barb Papier are the owners of Lot No. 18 in Fernhill Place Amended Addition,

Ernest R. Verhest and M. M. Verhest are the owners of Lot No. 19 in Fernhill Place Amended Addition, and Raymond Junk and M. Junk are the owners of Lot No. 27 in Fernhill Place Amended Addition, all according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

4. That your petitioner and the said Harry Papier, Agnes Papier, Barb Papier, Ernest R. Verhest, M. M. Verhest, Raymond Junk, and M. Junk, are the owners of all the real estate abutting on either side of said alley.

5. That the alley to be vacated has never been improved, has rarely been open to the public, is not needed for ingress or egress or as a right-of-way to your petitioner, or to any of the abutting property owners, or to any of the citizens of the City of Fort Wayne, Indiana; and that it is petitioner's belief that the vacation of said alley is not required for the growth of the City of Fort Wayne nor necessary for ingress and egress to any real estate within the City.

6. That your petitioner has reason to believe that a sewer line exists beneath a portion of the alley proposed to be vacated, and that your petitioner will co-operate fully in granting to the City of Fort Wayne, Indiana, an easement for the purpose of maintaining said sewer line.

7. That your petitioner believes that the vacation of said alley will enable your petitioner and all abutting land owners to said alley to make advantageous and proper development of the property for the public and private interest of the City of Fort Wayne, Indiana.

8. That your petitioner has filed with the Board of Public Works of the City of Fort Wayne a petition in regard to the vacation of this alley and has requested appropriate resolution and action by the Board of Public Works of the City of Fort Wayne, Indiana.

WHEREFORE, the undersigned, Lake County Trust Company, prays for the vacation of this alley according to the provisions of the Indiana law pertaining thereto and for all other proper relief.

LAKE COUNTY TRUST COMPANY,
Trustee under Trust Agreement
dated December 16, 1968, known
as Trust No. 1471 by Landau,
Heyman & Clay, Inc., its duly
authorized agent.

By



Edwin Rousseau
Agent for Landau, Heyman
& Clay, Inc.

RESOLUTION

WHEREAS, LAKE COUNTY TRUST COMPANY, Trustee under a Trust Agreement dated December 16, 1968, known as Trust No. 1471, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Allen County, Indiana, to-wit:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 25, 1974, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved;


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Alan R. Grinsfelder, President of the Fort Wayne City Plan Commission, do hereby certify that the attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission on March 25, 1974, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26th DAY OF March, 1974.

FORT WAYNE CITY PLAN COMMISSION



Alan R. Grinsfelder, President

TITLE OF ORDINANCE Alley vacation ordinance

2-74-04-17

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of an alley vacation ordinance petition

Initiated by property owners to vacate alley described as follows:

The North-South alley, approximately twelve (12) feet in width, between Rathert
Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according
to the plat thereof recorded in Plat Record 14, page 129, in the office of the
Recorder of Allen County, Indiana.

EFFECT OF PASSAGE Alley would be closed and utilized by surrounding
property owners.

EFFECT OF NON-PASSAGE Alley would remain open.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.)

Regulation



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

April 25, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of April 27 and May 4, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana -

Bill No. G-74-04-17 - Vacation of
alley
Bill No. Z-73-12-09 - Zoning Map
No. F7 & G7.
Bill No. G-73-10-53 (AS AMENDED)
regarding fencing for junk yards.

Please send us six copies of the PUBLISHER'S AFFIDVAIT.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Charles W. Westerman".

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 3

Common Council-City of Ft. Wayne
(Governmental Unit)To NEWS-SENTINEL Dr.Allen County, Ind.FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

—

94

1

95

COMPUTATION OF CHARGES

95 lines, columns wide equals equivalent lines at 288¢
cents per line\$ 27.36

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

(4)

2.00

TOTAL AMOUNT OF CLAIM

\$ 29.36

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ pointNumber of insertions 2Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. GerkenDate May 8, 1974Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:Personally appeared before me, a notary public in and for said county and state, the undersigned, V. E. Gerken who, being duly sworn, saysthat She is Clerk of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of PORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2time 8 the dates of publication being

as follows:

April 27, 1974May 7, 1974Subscribed and sworn to before me this 8th day of May 1974Notary PublicMy commission expires March 11, 1978

Notice is hereby given that on the 23rd day of April, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-74-04-17, G-09-74 General Ordinance, to-wit:

BILL NO. G-74-04-17
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley in the City of Fort Wayne.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on March 26, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana passed at the Session of 1963, and the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the Office of the Recorder of Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols, Councilman,
Read the third time in full and on motion by Nuckols, seconded by Hingo, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Nine
Burns, Hingo, Kraus, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico.

Nays: None.

Date: 4-23-74

Charles W. Westerman, City Clerk,
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, at General Ordinance No. G-97-74 on the 23rd day of April, 1974.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk,
Presented by me to the Mayor at the City of Fort Wayne, Indiana, on the 24th day of April, 1974, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk.

Approved and signed by me this 24th day of April, 1974, at the hour of 11:45 o'clock A.M., E.S.T.

Ivan A. Lebamott, Mayor,
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-97-74 passed by the Common Council on the 23rd day of April, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 24th day of April, 1974, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 24th day of April, 1974.

Charles W. Westerman, City Clerk.

4-275-4

Common Council-City of Ft. Wayne

(Governmental Unit)

To JOURNAL-GAZETTE

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

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COMPUTATION OF CHARGES

95

lines, columns wide equals equivalent lines at \$288¢
cents per line

\$ 27.36

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

(4)

2.00

TOTAL AMOUNT OF CLAIM

\$ 29.36

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 8, 1974

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

April 27, 1974

May 4, 1974

Subscribed and sworn to before me this 8th day of May 1974

Notary Public

My commission expires March 11, 1978

BILL NO. G-74-617
GENERAL ORDINANCE NO. G-74-74
AN ORDINANCE amending General Ordinance No. G-77 by authorizing the vacation of a certain alley in the City of Fort Wayne.
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on March 26, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1964 Replenishment, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-77 passed by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:
The North-South alley, approximately twelve (12) feet in width, between Railroad Lane and Fernhill Avenue, located in Fernhill Place Amended Addition.
SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne.
SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication hereof.
John Nuckols, Councilman,
By Nuckols, seconded by Hines, and duly adopted, placed on its passage. PASSED by the following vote:
Ayes: Nine
Burns, Higgs, Kraus, Moses, Nuckols, D. Schmidt, V. Schmidt, Slier, Talarico, Nayzi Nare.
Date: 4-23-74
Charles W. Westerman, City Clerk.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-74-74 on the 23rd day of April, 1974.
ATTEST: (SEAL)
Charles W. Westerman, City Clerk.
Samuel J. Talarico, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of April, 1974, at the hour of 11:00 o'clock A.M., E.S.T.
Charles W. Westerman, City Clerk.
Approved and signed by me this 24th day of April, 1974, at the hour of 11:45 o'clock A.M., E.S.T.
Ivan A. Lebomoff, Mayor.
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-74-74 passed by the Common Council on the 23rd day of April, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 24th day of April, 1974, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 24th day of April, 1974.
Charles W. Westerman, City Clerk.